



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) NO.250 OF 2025

(Raju s/o Jagdev Wankhade Vs. The State of Maharashtra thr. PSO Police Station
Gadge Nagar, Amravati, Tah. & Dist. Amravati and another)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. N. R. Tekade, Advocate for Applicant.
Ms. T. H. Udeshi, APP for Non-Applicant No.1/State.
Mr. Nikhil Dawda, Advocate for Non-Applicant No.2.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 2nd MAY, 2025.

1. Apprehending the arrest at the hands of police in connection with Crime No.165/2025 registered with Police Station Gadge Nagar, Amravati District Amravati for the offence punishable under Sections 74 and 75 of the Bhartiya Nyay Sanhita, 2023 and Section 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, the applicant approached to this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of the report lodged by victim girl aged about 16 years on an allegation that she was residing along with the present applicant for the education purpose. On 21.02.2024 at about 02:00 p.m. when she was alone in her grand-mother's house at that time present applicant entered the house and touched her inappropriately and outraged her modesty and also attempted to commit sexual assault on her. On the basis of

the said report, police have registered the crime against the present applicant.

3. Heard learned counsel for the applicant who submitted that the report is belated i.e. after one year and there is no explanation as to the delay in FIR. He further submitted that with baseless and false variations the FIR is lodged against him. As far as the custodial interrogation of the present applicant is concerned which is not required. In view of that, the applicant be protected by granting anticipatory bail.

4. Learned APP and learned counsel for the victim strongly opposed for the same. Learned APP invited my attention towards the statement of the victim which is recorded under Section 183 of the Bhartiya Nyaya Sanhita (164 of the Code of Criminal Procedure) wherein she has clarified the date of incident and also narrated the incident in detail. She submitted that considering the nature of the allegation leveled against the present applicant. The discretion cannot be used in his favour his custodial interrogation is required. Learned counsel for the victim also endorsed the same contentions.

5. After hearing both the sides and on perusal of the investigation papers, it reveals that the alleged incident has taken place on 21.02.2025 mistakenly the date is mentioned in the FIR as 21.02.2024. The FIR is lodged about the said incident on 21.02.2025. Admittedly, the FIR is lodged after

4 days but it is well settled that the FIR in itself in sexual assault cases is not fatal to the prosecution case. At this stage, it is not necessary to address the delay in FIR. As far as the allegations which are against the maternal uncle of the victim. At this stage, any facts are not before the Court to show that there was any other reason for the victim to implicate him falsely. Thus, considering the nature of the allegations case is not made out for grant of anticipatory bail. Accordingly I proceed to pass following order:

The application is rejected.

6. The fees of the appointed counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)